

REMARKS

Applicant claims priority to US patent application 10/026,292, filed December 19th, 2001, to Greene et al. A petition to accept the unintentionally delayed claim of priority under 37 USC 1.78(a)(3) and authorization to accept the fee under 37 USC 1.78(a)(3)(ii) are enclosed. The Applicants in the '292 application, also assigned to the assignee of this case, have recently petitioned that the inventor of this application, Sohail Malik, be added to the '292 application. Applicant requests that the petition to accept the unintentionally delayed claim of priority be accepted.

Applicant has amended the specification in two places to correct typographical errors and in one place to claim the benefit of the '292 application.

Applicant has amended the claims to clarify that chitosan niacinamide ascorbate is used in the invention. As a result claims 2 and 9 have been canceled and claims 1, 3, 4, 8, 10, 11, 12, 13 and 14 have been amended.

The Examiner has rejected claim 7 under 35 USC §112 as being indefinite. This has been corrected by amendment to claim 7.

The Examiner has rejected claims 1, 2, 5, 7, 8, 9, 13, and 14 under 35 USC §103(a) as unpatentable over Saferstein et al. (US Patent 4,616,644) in view of Sakai (US Patent 4,803,078).

Applicant agrees that Saferstein produces a bandage that is superficially somewhat similar in construction to Applicant's. Applicant further agrees that Saferstein does not teach or suggest the use of chitosan niacinamide ascorbate (CNA). Sakai teaches the use of chitin and chitosan in a wound dressing but does not teach or suggest the use of CNA. Neither reference teaches how to prepare CNA. CNA is superior in performance to chitosan, as noted particularly in Figures 3 and 5 and the discussion at page 17, lines 3–11. The combination of Saferstein and Sakai would produce a bandage with a chitin or chitosan coating, not applicant's bandage with the superior CNA compound.

The Examiner has rejected claims 1, 2, 6, 7, 8, 9 and 12 under 35 USC §103(a) as unpatentable over Saferstein et al. (US Patent 4,616,644) in view of Groitzsch et al. (US Patent 6,448,462).

Saferstein has been addressed above. Groitzsch mentions chitosan once as a material from which the pad may be made and separately that the pad may be impregnated with germicidal germ growth inhibiting ingredients. Groitzsch, like Sakai, does not teach or suggest chitosan niacinamide ascorbate for use in the bandage, but merely a related substance that does not work as well. Groitzsch does not teach how to produce CNA.

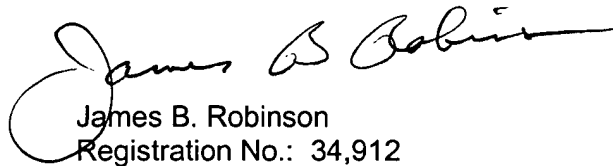
The Examiner has rejected claims 1 – 4 and 8 - 11 under 35 USC §103(a) as unpatentable over Saferstein et al. (US Patent 4,616,644) in view of Greene et al. (US patent application 10/026,292, US patent application publication 2002/0111576). Saferstein has been addressed above. Greene is the parent case of the instant case and so may not be used as a reference against this case.

While the references teach very generally the use of hemostatic agents in wound care, none of the references teach or suggest the use of the inventive and superior compound, chitosan niacinamide ascorbate, or how to make it. Applicant urges that these references are insufficient, in the sense of §103, to make obvious Applicant's invention.

Applicant respectfully requests that the rejections of the claims be reconsidered and withdrawn in light of the preceding amendments and remarks.

Should the Examiner have any issues he would like to discuss in order to facilitate the progression of this application, he is encouraged to call the undersigned at (770) 587-7273.

Respectfully submitted,



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Amendments to specification:

Add the following on page 1, immediately after the title:

This case is a continuation-in-part of US Patent Application 10/026,292, filed December 19, 2001, and claims the priority benefit of that filing date.

Replace the paragraph at page 7, lines 33 – 35, with:

For the purposes of this application, the term “naturally occurring compounds” shall refer to compounds which can be found in nature, such as from soil, marine life, plants and ~~[[territorial]]~~ terrestrial organisms.

Replace the paragraph at page 11, lines 3 – 26 with:

As can be seen in Figure 2, for use in a bandage, the present invention is generally directed to a bandage 60 for acute wounds, consisting of a base sheet 70 having a bottom side surface 75 and a top side surface 76 which is that surface seen by a consumer after application of the bandage to the wound site. In one embodiment, the base sheet is desirably elastomeric. In a further embodiment, the base sheet has been coated with a suitable skin-friendly adhesive 77, along its skin contacting surface (bottom side surface 75).

It should be appreciated that this is not necessary if it is not desired that the base sheet be applied to a wound via its own adhesive. In this instance, separate adhesive tape may be used. The elastomeric base sheet may be comprised of nonwoven and film-based polymeric materials or combinations thereof, for example, such as those materials described in U.S. Patent Numbers ~~[[3,976,563]]~~ 3,976,563 and, 5,633,070 which are incorporated by reference herein in their entirety. Such base sheets are made by methods known in the art, and described in the heretofore mentioned patents. The elastomeric base sheet may be a breathable monolithic film or a perforated film, to provide for some level of flexibility around a joint (if appropriate) and some level of breathability. Alternatively, the base sheet/backing material may be a nonwoven material, or a combination of a nonwoven material and a film. If present, the adhesive may be any skin-friendly adhesive known in the art, such as rubbery adhesives, acrylic adhesives, polyurethane adhesives, silicone adhesives, and block copolymer adhesives and those described in U.S. Patent Number 4,147,831, 4,551,490, and

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EPO 361 722B1, EP 1008330A2, and WO 00/12038 which are incorporated by reference herein in their entirety. The base sheet includes along its skin contacting surface (bottom side layer), an absorbent layer 80 (or absorbent pad). In one embodiment,